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ORDINANCE NO. 527

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS;
CHAPTER 340 ZONING, TO AMEND ARTICLE XIV OFF-STREET PARKING,
LOADING, AND UNLOADING, FOR PURPOSE OF UPDATING THE CODE IN
REGARDS TO REMOVAL OF EXISTING PARKING AND USE OF FEE-IN-LIEU
FUND.**

WHEREAS, the Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, have been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the zoning and land use within its municipal boundaries; and

WHEREAS, the Commissioners have the power to amend the Chapter 340 Zoning of the St. Michaels Town Code under §340-193 Power to amend, and shall do so under the provisions of §340-195 Text amendments; and

WHEREAS, On May 17, 2021, the Commissioners placed a 60 day moratorium on the ability to use the fee-in-lieu payment to remove existing parking due to the concern of an influx of people applying upon the lift of the temporary approvals until the issue can be assessed.

WHEREAS, The St. Michaels Planning Commission (hereinafter referred to as the “Planning Commission”) placed this matter on its agenda for review. At multiple meetings, as part of its review, the Planning Commission accepted public comment on the proposed amendments; and

WHEREAS, after taking into consideration the comments made at the meetings, the Planning Commission has recommended to the Commissioners that Chapters 340 of the Code of the Town of St Michaels be amended as shown herein; and

WHEREAS, The Commissioners of St. Michaels introduced Ordinance No. 527 on July 28, 2021

WHEREAS, public notice was published on _____, 2021 and _____, 2021, that a public hearing would be held by the Commissioners on _____, 2021 concerning amendments to Chapters 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth; and

WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on _____, 2021 to receive public comment on the aforesaid amendments; and

WHEREAS, for the reasons stated herein, the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for good government of the Town, to enact the following Ordinance.

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NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 Zoning of the Code of the Town of St. Michaels is hereby amended as follows, with all revisions highlighted in yellow, new language shown in **bold** and deleted language shown with a ~~strike through~~.

Chapter 340. Zoning

Bold and Highlighted = amended text

~~Strikeout~~ = deleted text

AMENDMENT 1.

Article XIV. Off-Street Parking, Loading, and Unloading.

§ 340-144. Purpose.

The regulations of this article are intended to help ensure the provision of off-street motor vehicle parking facilities, bicycle parking, and other motorized and non-motorized transportation circulation facilities in rough proportion to the generalized demands of different land uses. More specifically, to ensure enough on-site parking that, in conjunction with other public and private implemented supply management measures, provides for an appropriate balance between motorized and non-motorized access to St. Michael's residences and businesses. The provisions of this article are also intended to help protect the public health, safety, and general welfare by:

- A. Promoting multi-modal transportation options and enhanced safety and convenience for non-motorized travel; and
- B. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

§ 340-145. Definitions.

- A. Definitions and general principles.

In this Chapter, the following terms have the meanings indicated:

CREDITED PARKING SPACES - The total number of on-site parking spaces that a lot is credited with having. Credited parking spaces for a lot in the CC, MC, SLC, and HR Districts consist of existing on-site parking spaces.

ON-SITE PARKING REQUIREMENT OF A LOT - The minimum number of credited parking spaces that a lot must have, based on the structure(s) and use(s) located on the lot, according to the requirements of [§ 340-146](#).

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ON-SITE PARKING SPACE - A parking space located on the lot which is existing and which is constructed and maintained in conformity with the specifications of [§ 340-153](#).

ST. MICHAELS BUSINESS IMPROVEMENT FUND - A fund created by The Town Commissioners for the purposes as stated below. Monies collected and deposited within this fund are generated by commercial businesses when the expansion of such businesses results in the loss of on-site parking spaces. The funds shall be used for:

- (a) The purchase of land for public parking lots;
- (b) The construction of public on-site parking lots;
- (c) The repair and maintenance of public parking lots; or
- (d) The purchase and/or placement of amenities such as benches, trash receptacles, signage relating to parking and restrooms in such public parking lots.
- (e) Funding parking management studies.
- (f) The owner of a lot is the person responsible for meeting the lot's on-site parking requirement.

~~B. Imposition and fulfillment of on-site parking requirements~~

~~(1) Enlargements, expansions, and replacements.~~

~~(a) Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged, expanded, or replaced, resulting in additional dwelling units, floor area, seating capacity, employees, or another unit of measurement used for establishing off-street parking requirements.~~

~~(b) Additional parking spaces are required only to serve the parking demand resulting from the added dwelling units, floor area, seating capacity, employees, or another unit of measurement used for establishing off-street parking requirements. In other words, there is no requirement to address a lawful, existing parking deficit.~~

~~(2) Change of use. When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most~~

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recently occupied the building, based on the standards of this Chapter. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Chapter, regardless of whether such spaces are provided. A new use is not required to address a lawful, existing parking deficit.

(3) Existing parking and loading areas. Except as provided in subsection (5), existing off street parking and loading areas may not be eliminated, reduced, or modified below the minimum requirements of this article.

(4) The following regulations shall apply to the A, R-1, R-2, R-3, WD, GC, MC, MM, RG, and PF Districts:

(a) No lot shall be developed, nor any structure thereon erected, structurally altered, or enlarged, nor any use thereon established, altered, added, expanded, intensified, or otherwise changed, unless the on-site parking requirement of the lot, as so developed and used, is met.

(b) On-site parking spaces shall meet the parking requirement of a lot. For lots in the R-1 or R-2 Districts, if the configuration of a nonconforming lot prohibits the construction of a driveway, on-street parking shall be permissible.

(c) In the case of a lot whose on-site parking is not constructed in conformity with the specifications of [§ 340-153](#), and it is the owner's/tenant's desire to expand the footprint of the structure, or encompass an area outside the building; the applicant shall be responsible for furnishing a site plan showing the footprint of the structure and the location and number of parking spaces which could legally be established on the lot. The site plan shall also show any proposed expansion or utilization of outdoor spaces. The proposed expansion shall not result in the encroachment on those parking spaces, as shown on the site plan.

(5) The following regulations shall apply to the CC, MC, SLC, and HR Districts:

(a) New construction. No lot shall be developed, nor any structure erected thereon, unless the on-site parking requirement of the lot, as so developed and used, is met.

(b) Pre-existing structures. Any commercial use permitted by this Chapter in the applicable zoning district may be continued, altered, changed,

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established, expanded, decreased, and/or re-expanded without meeting the current on-site parking requirements if the Planning Commission determines that the change does not significantly increase parking demand for the use.

~~(e) — Expansion of structures in the CC and HR Districts. No structure on a lot shall be altered to increase its footprint resulting in the loss of existing on-site parking spaces unless the owner of the property enters into an agreement with the Town to pay a fee into the St. Michaels Business Improvement Fund in the amount as set forth in the Fee Schedule as set by Town Commissioners.~~

~~(d) — Expansion of use in the CC and HR Districts. No use shall be expanded, intensified, or otherwise changed which results in the loss of existing on-site parking spaces unless the owner of the property enters into an agreement with the Town to pay a fee into the St. Michaels Business Improvement Fund in the amount as set forth in the Fee Schedule as set by the Town Commissioners.~~

~~(e) — Payment into the St. Michaels Business Improvement Fund. The loss of on-site parking spaces results in an additional burden to the Town to provide public parking areas. Monies received from the payment of this fee shall be placed into an account used specifically for the construction, maintenance, and upgrades to public parking lots and parking management studies. Prior to the issuance of a building permit or zoning certificate, the owner of the property shall enter into an agreement setting forth the amount of the fee and repayment schedule as set out in the administrative fee as adopted by the Town Commissioners.~~

~~C. — Minimum number of on-site parking spaces required.~~

~~(1) — In determining the on-site parking requirement of a lot according to its use, all buildings and structures that house functions of the use (e.g., outdoor walk-in coolers and other walk-in storage structures) shall be included.~~

~~(2) — Unless otherwise expressly allowed under the shared parking regulations of [§ 340-148](#), lots containing more than one permitted use must provide parking in an amount equal to the total of the requirements for all uses on the lot.~~

~~(a) — In determining the parking requirement of a lot with multiple uses, no floor area shall be counted more than once.~~

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(b) — ~~None of a lot's multiple uses shall be excluded from access to the lot's on-site parking spaces.~~

~~(3) — Should a fraction of a parking space result from computing parking or loading space requirements, a fraction of less than 50% shall be rounded down; a fraction of 50% or more shall be rounded up to require a full space.~~

~~(4) — Requirements involving the number of workers shall be based on the largest number of workers on duty at the same time regularly.~~

~~(5) — Bench seating shall be counted at one seat per 18 inches of linear seating space.~~

~~(6) — For computing parking requirements based on employees, students, members, residents or occupants, calculations shall be based on occupancy standards established by the building code and/or fire code.~~

§ 340-146. Minimum required parking ratios [requirements].

A. Except as otherwise expressly stated, off-street or on-site motor vehicle parking spaces must be provided in accordance with Table 340-146 A Minimum Parking Requirements.

Table 340-146 A. Minimum Parking Requirements	
CATEGORIES, SUBCATEGORIES, SPECIFIC USES	REQUIRED PARKING SPACES
AGRICULTURE	
Agriculture, crop production	Per § 340-147
Agriculture, buildings, and structures	Per § 340-147
Indoor plant cultivation	Per § 340-147
Plant nursery, commercial and noncommercial nurseries and greenhouses	Per § 340-147
Fisheries Activities, Aquaculture	Per § 340-147
Forestry	Per § 340-147
RESIDENTIAL	
Household Living	
Single Family Detached Dwelling	2 spaces per dwelling unit
Duplex Dwelling	2 spaces per dwelling unit
Townhouse Dwelling	2 spaces per dwelling unit
Multi-Family Dwelling	1.5 spaces per dwelling unit
Accessory Dwelling Unit	1 space
Mixed-use building	Parking required for each use
Group Living	
Group domiciliary care home	1 space per 4 residents, plus 1 space per employee

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Table 340-146 A. Minimum Parking Requirements	
CATEGORIES, SUBCATEGORIES, SPECIFIC USES	REQUIRED PARKING SPACES
Sheltered Care,	1 space per 4 residents, plus 1 space per employee
Continuing Care Retirement Communities/Assisted Living/Nursing Home	0.5 space per bed or 1 space per bedroom, whichever is greater plus 0.5 space per employee
Treatment Center	1 space per 4 residents, plus 1 space per employee
PUBLIC, CIVIC AND INSTITUTIONAL	
Cemetery	Per § 340-147
College or university	Per § 340-147
Trade schools, art schools, and similar commercially operated schools	0.33 per student, plus 1 per staff
Community center	1 space per 100 square feet of gross floor area
Fraternal organization	1 space per 400 square feet
Governmental facilities	2.5 parking spaces per 1,000 square feet of gross floor area. Minimum spaces: 3
Hospital	1 parking space per 2 beds for patients, plus 1 space for each staff doctor or nurse, plus 1 parking space for each employee on the largest shift
Library	2 spaces per 1,000 square feet of gross floor area
Parks and recreation	1 space per 4 visitors/users estimated peak service
Museum or cultural facility	1 space for per 300 square feet of gross floor area
Maritime Museum	1 space for per 400 square feet of gross floor area
Religious assembly	1 space for every 4 seats
Safety service	
Fire and Rescue	4 spaces for each piece of apparatus
Police	2 spaces per 3 employees, plus 1 space per vehicle customarily used in operations of the use or stored on the premises
Schools	
Elementary/Middle	1 parking space for each classroom, plus 1 parking space for each employee or 1 space for each 3 auditorium seats whichever is greater.
High	10 spaces, plus 1 space per classroom, plus 1 space per 5 students or 1 space per 10 seats of the largest assembly room, whichever is larger
Utilities and Public Service Facility	1 stall per 300 square feet of gross floor area, plus 1 stall for each company vehicle
COMMERCIAL	
Adult Entertainment Establishments	1 space per 2 occupants per the allowable occupancy as established by Fire Code, 1 space per employee or independent contractor on the maximum shift
Animal Service, grooming, boarding or shelter/kennel, veterinary care	1 space per 400 square feet of gross floor area
Stables, Commercial	1 space for each employee, plus 1 space for each 4 stalls

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Table 340-146 A. Minimum Parking Requirements	
CATEGORIES, SUBCATEGORIES, SPECIFIC USES	REQUIRED PARKING SPACES
Assembly and Entertainment	1 parking space per 200 square feet of gross floor area or 1 space per maximum capacity as required by the Fire Code whichever is greater
Bowling Alleys	1 parking space per 200 square feet of gross floor area or 5 parking spaces for each alley whichever is greater
Temporary fairs and carnivals	As per Chapter 250
Broadcast or Recording Studio	1 space per 300 square feet of gross floor area
Commercial Service	
Building Service	1 space per vehicle, plus 1 space per 1,000 square feet of gross floor area
Business Support Service	1 space per 300 square feet of gross floor area
Personal Improvement Service	1 space per 200 square feet of gross floor area plus 1 space per employee
Marine Service	1 per 10 slips, plus 1 for each employee, plus 1 per 500 square feet of retail floor area
Day Care (residential)	1 space per 6 children, plus the spaces required for the dwelling unit
Daycare center	1 per employee, plus 1 per 10 children
Eating and Drinking Establishments	
Restaurants, standard, restaurants, carryout/drive-in, café/coffee house	1 space per 250 square feet of gross floor area plus 1 space per 4 seats available for outdoor dining
Restaurants, fast food	1 space per 75 square feet of customer service or dining area; or 1 space per 200 square feet of gross floor area if no customer service or dining area
Financial Service	1 space per 250 square feet of gross floor area
Funeral and Mortuary Service	
Funeral homes	1 per 1/3 maximum of the building capacity as required by the Fire Code
Lodging	
Bed-and-breakfast (B&B).	1 space per bed and breakfast guest unit, plus required parking spaces for resident family and 1 per employee
Hotel, motel	1.5 spaces per sleeping room
Conference center/hotel	1 per 3 persons maximum occupancy as required by the Fire Code for the conference center use, plus 1.5 spaces per sleeping room
Vacation cottages	2 spaces
Short term rentals	1 space for each bedroom
Office, business, professional	1 space per 400 square feet of gross floor area
Medical, dental and health practitioner	1 space per 250 square feet of gross floor area
Retail Sales convenience goods, consumer shopping goods, building supplies and equipment	1 space per 250 square feet of gross floor area
Self-Service Storage Facility	Per § 340-147

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Table 340-146 A. Minimum Parking Requirements	
CATEGORIES, SUBCATEGORIES, SPECIFIC USES	REQUIRED PARKING SPACES
Studio, Instructional or Service	1 space per 300 square feet of gross floor area
Vehicle Sales and Service	
Commercial vehicle repair and maintenance	1 space per 175 square feet of the gross floor area of the principal use, including service bays and retail areas
Car wash	None
Commercial vehicle sales and rentals	3 per 1,000 square feet, plus 1 per 2,500 square feet of outdoor display
Fueling station/convenience/mini mart	1 space per pump island, plus 1 space per service bay, plus 1 for every 3 seats of on-site seating, plus 3 spaces per 1,000 square feet of gross retail sales area
Personal vehicle repair and maintenance	2 spaces per service bay, 1 space for each vehicle stored on the site overnight, 1 space for each employee
Personal vehicle sales	1 space per 300 square feet of gross floor area, plus 1 space per 4,500 square feet of outdoor sales per display
Personal vehicle rentals	1 per 400 square feet, plus 1 per rental vehicle
Vehicle body and paint finishing shop	3 for each service bay plus 1 space per vehicle used in the conduct of the business plus 1 per employee
WHOLESALE, DISTRIBUTION AND STORAGE USE CATEGORY	
Equipment and Materials Storage, Outdoor	
Contractor's shop	1 space per 300 square feet of the gross floor area of the office, sales, or display area over 4,000 square feet (minimum of 4 spaces), plus 1 space per 5,000 square feet of storage area
Trucking and transportation terminal	1 per 275 square feet of office and 2 spaces for each company vehicle operating from the premises
Warehouse	2 spaces per 1,000 square feet of gross floor area
Wholesale sales and distribution	1 space per 500 square feet of gross floor area
INDUSTRIAL USE CATEGORY	
Micro producers	1 space per 1,000 square feet of gross floor area
Artisan industrial	1 space per 600 square feet of gross floor area
Manufacturing or assembling	1 space per employee
RECYCLING USE CATEGORY	
Recyclable Material Drop-off Facility	1 per recycle collection container

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186 B. Flexibility in administration required.

187 (1) The Town recognizes that, due to the particularities of any given development, the
188 strict application of the parking standards set forth herein may result in
189 development with parking exceeding a permitted use's needs. The Planning
190 Commission may reduce the required parking if one or more of the following
191 conditions apply, and the applicant can demonstrate to the Planning Commission

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via plans, studies, or other data that such conditions better reflect the actual parking demand:

(a) Residential development is deed restricted to residents 55 years of age or older.

(b) The permitted use has most of its occupants not of driving age.

(c) The development is in the CC Central Commercial District, WD Waterfront Development District, MM Maritime Museum District, GC Gateway Commercial District, MC Maritime Commercial District, or the HR Historic Redevelopment District.

(d) On-street parking is in front of the property.

(e) A public parking lot is located within three (300) feet of the lot.

(2) Whenever the Planning Commission allows or requires a deviation from the parking requirements set forth herein, it shall enter on the face of the zoning certificate and/or site plan the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(3) If the Planning Commission concludes, based upon information it receives in consideration of a specific development proposal, that the presumption established by [§ 340-146](#) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements. In making this determination, the Planning Commission may recommend the revised minimum parking requirement is assigned to a newly defined subcategory of a category of uses, e.g., real estate office as a subcategory of the office category.

[C. Imposition and fulfillment of on-site parking requirements

(1) Enlargements, expansions, and replacements.

(a) Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged, expanded, or replaced, resulting in additional dwelling units, floor area, seating capacity, employees, or another unit of measurement used for establishing off-street parking requirements.

(b) Additional parking spaces are required only to serve the parking demand resulting from the added dwelling units, floor area, seating capacity, employees, or another unit of measurement used for

establishing off-street parking requirements. In other words, there is no requirement to address a lawful, existing parking deficit.

- (2) Change of use. When the use or occupancy of property changes, additional off-street parking, and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this Chapter. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Chapter, regardless of whether such spaces are provided. A new use is not required to address a lawful, existing parking deficit.

- (3) Existing parking and loading areas. Existing off-street parking and loading areas may not be eliminated, reduced, or modified below the minimum requirements of this article.

- (4) The following regulations shall apply to the A, R-1, R-2, R-3, WD, GC, MC, MM, RG, and PF Districts:

- (a) No lot shall be developed, nor any structure thereon erected, structurally altered, or enlarged, nor any use thereon established, altered, added, expanded, intensified, or otherwise changed, unless the on-site parking requirement of the lot, as so developed and used, is met.
- (b) On-site parking spaces shall meet the parking requirement of a lot. For lots in the R-1 or R-2 Districts, if the configuration of a nonconforming lot prohibits the construction of a driveway, on-street parking shall be permissible.
- (c) In the case of a lot whose on-site parking is not constructed in conformity with the specifications of [§ 340-153](#), and the owner's/tenant desires to expand the footprint of the structure or encompass an area outside the building; the applicant shall be responsible for furnishing a site plan showing the footprint of the structure and the location and number of parking spaces which could legally be established on the lot. The site plan shall also show any proposed expansion or utilization of outdoor spaces. The proposed

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expansion shall not result in encroachment on those parking spaces,
as shown on the site plan.

(5) The following regulations shall apply to the CC, MC, SLC, and HR Districts:

(a) New construction. Except as provided in (b), (c), and (d), no lot shall be developed, nor any structure erected thereon, unless the on-site parking requirement of the lot, as so developed and used, is met.

(b) Pre-existing structures. Any use permitted by this Chapter in the applicable zoning district may be continued, altered, changed, established, expanded, decreased, and/or re-expanded without meeting the current on-site parking requirements and provided there is no loss of existing on-site parking spaces, and if the Planning Commission determines that the change does not significantly increase parking demand for the use.

(c) Expansion of use in the CC and HR Districts. No use shall be expanded, intensified, or otherwise changed, resulting in the loss of existing on-site parking spaces.

(d) In CC and HR district, the Planning Commission may allow a permitted use in an existing structure on a lot where no on-site parking exists or can be feasibly provided subject to payment into the St. Michaels Business Improvement Fund.

(e) Payment into the St. Michaels Business Improvement Fund. Monies received from the payment of this fee shall be placed into an account used specifically for the construction, maintenance, and upgrades to public parking lots and parking management studies. Before issuing a building permit or zoning certificate, the property owner shall enter into an agreement setting forth the fee and repayment schedule as set out in the administrative fee as adopted by the Town Commissioners.

D. Determining the minimum number of on-site parking spaces required.

(1) In determining the on-site parking requirement of a lot according to its use, all buildings and structures that house functions of the use (e.g., outdoor walk-in coolers and other walk-in storage structures) shall be included.

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(2) Unless otherwise expressly allowed under the shared parking regulations of § 340-148, lots containing more than one permitted use must provide parking in an amount equal to the total requirements for all uses on the lot.

(a) In determining the parking requirement of a lot with multiple uses, no floor area shall be counted more than once.

(b) None of a lot's multiple uses shall be excluded from access to the lot's on-site parking spaces.

(3) Should a fraction of a parking space result from computing parking or loading space requirements, a fraction of less than 50% shall be rounded down; a fraction of 50% or more shall be rounded up to require a full space.

(4) Requirements involving the number of workers shall be based on the largest number of workers on duty at the same time regularly.]

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels

HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this ____ day of _____, 2021 via a virtual meeting.

BIBB _____

BREIMHURST _____

DUPONT _____

HARROD _____

WINDON _____

I HEREBY CERTIFY that the above Ordinance No. 527 was passed by a yea and nay vote of The Commissioners of St. Michaels on this ____ day of _____, 2021.

ATTEST THE COMMISSIONERS OF ST. MICHAELS

_____(Seal) By: _____

Jeff D. Rhodes,

Joyce Harrod, President

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Interim Town Clerk / Manager

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the ____ day of _____, 2021, at 8:30 o'clock a.m. on this ____ day of _____, 2021, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No 527, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the website of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

(Seal)

Jeff D. Rhodes,
Interim Town Clerk / Manager